

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**ALONSO CAVAZOS**

**PLAINTIFF**

v.

**No. 2:09CV00048-WAP-DAS**

**UNITED STATES OF AMERICA, ET AL.**

**DEFENDANTS**

**REPORT AND RECOMMENDATION**

The court takes up, *sua sponte*, the dismissal of this case. The plaintiff filed the Verified Complaint for Return of Seized Funds (# 1) against the defendants on March 9, 2009. By Notice (# 3) dated June 26, 2009, the clerk of this court notified the plaintiff that no summons had been issued for any defendant. The clerk issued a second Notice (# 4) of incomplete process on November 3, 2009, and a third Notice (# 5) on April 29, 2010. On February 3, 2011, the court issued a Show Cause Order (# 6) which required the plaintiff on or before February 10 to show why this case should not be dismissed pursuant to FED. R. CIV. P. 4(m) for his failure to effect service of process upon the defendants. Because the plaintiff failed to timely respond to that Order, it is recommended that the complaint be dismissed without prejudice as against all defendants.

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjection-to proposed factual findings

and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 18<sup>th</sup> day of February, 2011.

/s/ David A. Sanders  
UNITED STATES MAGISTRATE JUDGE